Senate Amendment 5264

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PAG LIN
            Amend House File 2262, as amended, passed, and
      2 reprinted by the House, as follows:
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            #1. Page 2, by inserting after line 26 the
  1
     4 following:
              ___. Section 97B.1A, subsection 22, Code
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     5
     6 Supplement 2003, is amended to read as follows: 7 22. "Special service" means service for an
  1
     8 employer while employed in a protection occupation as
      9 provided in section 97B.49B, and as a county sheriff,
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  1 10 or deputy sheriff, or airport fire fighter as provided
  1 11 in section 97B.49C.>
                 Page 14, by inserting after line 7 the
  1 12
            <u>#2.</u>
    13 following:
  1 14
            ____. Section 97B.49B, subsection 1,
  1 15 paragraph c, Code Supplement 2003, is amended to read
  1 16 as follows:
                "Eligible service" means membership and prior
  1 17
  1 18 service in a protection occupation. In addition, for
  1 19 a member with membership and prior service in a
  1 20 protection occupation described in paragraph "e", 1 21 subparagraph (2), eligible service includes membership
  1 22 and prior service as a sheriff, or deputy sheriff, or 1 23 airport fire fighter as defined in section 97B.49C.
                         Section 97B.49B, subsection 1, paragraph
  1 24
  1 24 Sec. ____. Section 97B.49B, subsection 1, paragraph 25 e, Code Supplement 2003, is amended by adding the
  1 26 following new subparagraph:
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    2.7
            NEW SUBPARAGRAPH. (8) An airport fire fighter
  1 28 employed by the military division of the department of
  1 29 public defense.
  1 30 Sec. ____. Section 97B.49B, subsection 3, paragraph 1 31 b, Code Supplement 2003, is amended by adding the
  1 32 following new subparagraph:
    NEW SUBPARAGRAPH. (7) For the fiscal year 34 commencing July 1, 2004, and each succeeding fiscal
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  1 35 year, there is appropriated from the general fund of
  1
    36 the state to the system, from funds not otherwise
  1 37 appropriated, an amount necessary to pay the employer 1 38 share of the cost of the additional benefits provided
  1 39 to airport fire fighters under this section.
  1 40 Sec. ___. Section 97B.49C, subsection 1, paragra 1 41 a, Code Supplement 2003, is amended by striking the
                     _. Section 97B.49C, subsection 1, paragraph
  1 42 paragraph.
  1 43
          Sec. ____. Section 97B.49C, subsection 1, particle Code Supplement 2003, is amended to read as
                    ___. Section 97B.49C, subsection 1, paragraph
  1 44 d,
  1 45 follows:
            d. "Eligible service" means membership and prior
  1 46
  1 47 service as an airport fire fighter, a sheriff, and 1 48 deputy sheriff under this section. In addition,
  1
    49 eligible service includes membership and prior service
    50 as a marshal in a city not covered under chapter 400
      1 or a fire fighter or police officer of a city not
      2 participating in the retirement systems established in
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      3 chapter 410 or 411, and as an airport fire fighter
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      4 prior to July 1, 1994.
           Sec. ____.
                         Section 97B.49C, subsection 2, Code
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      6 Supplement 2003, is amended to read as follows:
            2. CALCULATION OF MONTHLY ALLOWANCE.

a. Notwithstanding other provisions of this
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      9 chapter, a member who retires from employment as a
    10 sheriff, deputy sheriff, or airport fire fighter on or 11 after July 1, 1994, and before July 1, 2004, and at
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  2 12 the time of retirement is at least fifty=five years of
    13 age may elect to receive, in lieu of the receipt of
    14 any benefits as calculated pursuant to section 97B.49A
  2 15 or 97B.49D, a monthly retirement allowance equal to
  2 16 one=twelfth of an amount equal to the applicable
  2 17 percentage of the three=year average covered wage as a 2 18 member who has been employed in eligible service
  2 19 multiplied by a fraction of years of service, with
    20 benefits payable during the member's lifetime.
  2 21
           b. Notwithstanding other provisions of this
    22 chapter, a member who retires from employment as
    23 sheriff or deputy sheriff on or after July 1, 2004, 24 and at the time of retirement is either at least
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fifty=five years of age or is at least the applicable
  26 early retirement age with at least twenty=two years of
  27 eligible service may elect to receive, in lieu of the
  28 receipt of any benefits as calculated pursuant to 29 section 97B.49A or 97B.49D, a monthly retirement
  30 allowance equal to one=twelfth of an amount equal
  31 the applicable percentage of the three=year average 32 covered wage as a member who has been employed in
  33 eligible service multiplied by a fraction of years of
  34 service, with benefits payable during the member's
  35 lifetime.
         c. For purposes of this subsection, "applicable
      early retirement age" means the following:
      (1) For each active or inactive vested member retiring on or after July 1, 2004, and before July 1,
2 40 2005, fifty=four years of age.
      (2) For each active or inactive vested member retiring on or after July 1, 2005, and before July 1,
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      2006, fifty=three years of age.
2.44
         (3) For each active or inactive vested member
      retiring on or after July 1, 2006, and before July 1,
      2007, fifty=two years of age.
      (4) For each active or inactive vested member retiring on or after July 1, 2007, and before July 1,
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      2008, fifty=one years of age.
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         (5) For each active or inactive vested member
      retiring on or after July 1, 2008, fifty years of age.
       Sec. ___. Section 9/8.49C, Subsection 3, 1, Code Supplement 2003, is amended to read as
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                 ___. Section 97B.49C, subsection 3, paragraph
   4 follows:
         a. Annually, the system shall actuarially
   6 determine the cost of the additional benefits provided
   7 for members covered under this section as a percentage
   8 of the covered wages of the employees covered by this
   9 section. Sixty Fifty percent of the cost shall be
3 10 paid by the employers of employees covered under this
3 11 section and forty fifty percent of the cost shall be 3 12 paid by the employees. The employer and employee
3 13 contributions required under this paragraph are in
3 14 addition to <u>lieu of</u> the contributions paid under 3 15 sections 97B.11 and 97B.11A. However, the cost of
  16 including service as an airport fire fighter prior to
  17 July 1, 1994, as eligible service under this section
  18 shall not affect the contribution rates calculated and
     paid by the member or the employer under this section.
       Sec.
                ____. Section 97B.49C, subsection 3, paragraph
3\ 21\ b, Code Supplement 2003, is amended to read as
3 22 follows:
        b. <del>(1)</del> Annually, during each fiscal year
3 23
3 24 commencing with the fiscal year beginning July 1,
3 25 1988, each county shall pay to the system the amount 3 26 necessary to pay the employer share of the cost of the
3 27 additional benefits provided to sheriffs and deputy
3 28 sheriffs.
3 29
         (2) For the fiscal year commencing July 1, 1994,
  30 and each succeeding fiscal year, there is appropriated
  31 from the general fund of the state to the system, from
  32 funds not otherwise appropriated, an amount necessary 33 to pay the employer share of the cost of the
  34 additional benefits provided to airport fire fighters
  35 under this section.
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         #3. Page 16, by inserting after line 32 the
3 37 following:
             _. Section 97B.52, subsection 1, paragraph
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3 38 ____. Section 978.52, subsection 1, paragraph 3 39 a, subparagraph (3), Code Supplement 2003, is amended
3 40 to read as follows:
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         (3) For service as a sheriff, or deputy sheriff,
3 42 or airport fire fighter, as provided in section 3 43 97B.49C, the applicable denominator is twenty=two.>
               Page 22, by inserting after line 5 the
3 44
3 45 following:
                 Section 411.6, subsection 7, paragraph
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3 47 c, Code 2003, is amended to read as follows:
         c. Should a disability beneficiary under age
3 48
  49 fifty=five be employed in a public safety occupation, 50 the disability beneficiary's retirement allowance
   1 shall cease. Notwithstanding any provision of this
   2 chapter to the contrary, if a disability beneficiary 3 is employed in a public safety occupation that would
   4 otherwise constitute membership service, the
   5 disability beneficiary shall not become a member of
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6 the system. For purposes of this paragraph, "public 7 safety occupation" means a peace officer, as defined 8 in section 97A.1; a protection occupation, as defined 9 in section 97B.49B; a sheriff, or deputy sheriff, or 10 airport fire fighter, as defined in section 97B.49C; 4 11 and a police officer or fire fighter as defined in 4 12 section 411.1, who was not restored to active service 4 13 as provided by this subsection.
4 14 Sec. ____. Section 724.6, subsection 2, Code 2003, 4 15 is amended to read as follows: 4 16 2. Notwithstanding subsection 1, fire fighters, as 4 17 defined in section 411.1, subsection 9, airport fire 4 18 fighters included under section 97B.49C 97B.49B 4 19 emergency rescue technicians, and emergency medical 4 20 care providers, as defined in section 147A.1, shall 4 21 not, as a condition of employment, be required to 4 22 obtain a permit under this section. However, the 4 23 provisions of this subsection shall not apply to a 4 24 person designated as an arson investigator by the 4 25 chief fire officer of a political subdivision.> 4 26 #5. By renumbering as necessary. 4 27 4 28 4 29 30 MARK ZIEMAN 4

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4 34 MIKE CONNOLLY

4 38 JOHN P. KIBBIE 4 39 HF 2262.205 80

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